

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARTEZ ANTWOINE MOODY,)	
)	
Plaintiff,)	
)	
v.)	No. 4:17-CV-2528 JMB
)	
ST. LOUIS DIVISION OF THE FEDERAL)	
BUREAU OF INVESTIGATION,)	
)	
Defendant.)	

ORDER

This matter is before the Court on review of the file. On October 4, 2017, plaintiff filed his complaint, a motion to appoint counsel, and a CJA 23 financial affidavit. Although plaintiff filed a financial affidavit, he did not submit a motion to proceed in forma pauperis. On October 20, 2017, the Court mailed plaintiff a copy of the Court's form Motion to Proceed In Forma Pauperis—Non Prisoner, and directed him to either pay the \$400 filing fee or submit a motion to proceed in forma pauperis.


Plaintiff has not complied with the Court's Order, and the time for doing so has passed. As a result, the Court will dismiss this action for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.¹

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice.

¹ The Court notes that plaintiff filed two prior actions against the Federal Bureau of Investigation, both of which were dismissed upon frivolity review under 28 U.S.C. § 1915(e)(2)(B). *See Moody v. Fed. Bureau of Investigation*, Case No. 4:16-CV-427 CDP (E.D. Mo. Apr. 4, 2016); *Moody v. Fed. Bureau of Investigation St. Louis Office*, Case No. 4:16-CV-325 RLW (E.D. Mo. Mar. 15, 2016). Here, because plaintiff has not moved to proceed in forma pauperis under § 1915, the Court will not review the complaint for frivolity.

A separate Order of Dismissal will accompany this Order.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

Dated this 20th day of November, 2017.